

An Act to Establish the Maine Public Library of Geographic Information

Title # § 1. Short title

This chapter may be known and cited as the "Maine Public Library of Geographic Information Act."

Title # § 2. Purpose

The Maine Public Library of Geographic Information is established to provide a standardized, networked clearinghouse of all geographic information available for public use within the state, serving the needs of citizens, businesses and all levels of government. The Library will develop appropriate internal services to facilitate generalized access and use of the data to governmental agencies and the public at large. It is the intent of this Act that the Library not competes directly with private enterprise. The Library shall work in partnership with Non-State Data custodians to promote the purposes of this Act.

Title # § 3. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Board. "Board" means the Maine Public Library of Geographic Information Board established in Section 4.

2. Data custodian.

A. **Federal Data Custodian.** "Federal Data custodian" means any branch, agency or instrumentality of the Federal Government that gathers, stores, generates, or maintains Public Information.

B. **State Data custodian.** "State Data custodian" means any branch, agency or instrumentality of Maine State Government that gathers, stores, generates, or maintains Public Information.

C. **Non-State Data custodian.** "Non-State Data custodian" means or any agency or instrumentality of a political subdivision of the State that gathers, stores, generates, or maintains Public Information.

3. Public Information. "Public Information" means any information that is:

A. Stored, gathered, generated, maintained, or financed by a data custodian.

B. State, and Non-State Data custodians' Public Information meets the definition in paragraph A, and is either:

(1) A public record under section 402, subsection 3; or

(2) Otherwise expressly authorized to be released as specified by law.

- C. The presence of data in the Library does not, by itself, make that information a public record.

4. Public Geographic Information. Public Geographic Information (GI) is defined as Public Information that is referenced to a physical location.

GI can be, but is not limited to, any physical, legal, economic or environmental information or characteristics concerning land, water, groundwater, subsurface resources or air in Maine relating to topography, soil, soil erosion, geology, minerals, vegetation, land cover, wildlife, associated natural resources, land ownership, land use, land use controls and restrictions, jurisdictional boundaries, tax assessment, land value, land survey records and references, geodetic control networks, aerial photographs, maps, planimetric data, remote sensing data, historic and prehistoric sites and economic projections.

[Thus geographically referenced data traditionally maintained by governments in tabular databases, such as property assessments, permits, facilities etc. have a geographic identifier, which enable these data to be referenced, displayed and combined with other data and analyzed by location. Relevant GI technologies may include, but are not limited to: computer aided mapping, remote sensing from satellites, airplanes and other remote instruments, image processing and satellite positioning through use of global positioning system (GPS) receivers and geodetic control networks.]

5. Geographic Information System. A "Geographic Information System" (GIS) is a computer system capable of assembling, storing, manipulating, analyzing, and displaying information identified according to locations. A GIS includes operating personnel, hardware, software, and the data that go into the system.

6. Maine Public Library of Geographic Information. "Maine Public Library of Geographic Information" means the statewide network officially sanctioned by the Maine State Legislature through this Act by which data custodians, or their designees, organize, catalog and provide access to public geographic information to all levels of government and to the public.

7. Association. "Association" means an organization:

- A. Whose membership is identifiable by regular payment of organizational dues and regularly maintained membership lists;
- B. That is registered with the State or is a Maine corporation; and
- C. That exists for the purpose of advancing the common occupation or profession of its membership.

8. State funds. Notwithstanding any other provision of law, for the purposes of this Act, "State funds" means any bond revenues or any money appropriated or allocated by the Legislature.

Title # § 4. Maine Public Library of Geographic Information Board established, purposes and duties.

There shall be a Maine Public Library of Geographic Information Board, referred to as the "Board," with the following purposes and duties:

1. Electronic gateway. To oversee the Maine Public Library of Geographic Information to ensure it operates as a coordinated, cost-effective electronic gateway providing access by the public to data custodians' public geographic information. Nothing in this Act may be construed to affect the rights of persons to inspect or copy public records under chapter 13, subchapter I, or the duty of data custodians to provide for public inspection and copying of those records.

2. Establish Standards, Rules and Policies. To establish and maintain standards, rules and policies for non-State data custodians' geographic information, which will be incorporated into the Maine Public Library of Geographic Information. These standards, rules and policies should be consistent with those set by the Information Services Policy Board, governing State data custodians' information technology. Rules shall be adopted pursuant to the Maine Administrative Procedure Act to carry out this chapter. Notwithstanding Title 5, section 8071, subsection 2, rules adopted pursuant to this paragraph are routine technical rules.

Standards, and policies may include, but shall not be limited to,

- A. Methods of access and delivery of information held by the Library,
- B. Geographic Information System technical specifications,
- C. Data content, metadata, and security including guideline criteria for accepting third party data from data custodians or data volunteered by the private sector,
- D. Privacy and how it will be protected,
- E. Mechanisms to correct inaccuracies, and
- F. Data validation tools and processes.

3. Coordinate Public Geographic Information. To reduce redundancies in the creation, verification, and maintenance of public geographic information, and to enhance its utility for complex analyses, each State Data custodian, or their designee that acquires, purchases, verifies, maintains, or produces Geographic Information with public funds or grants shall

- A. inform the Board and the Maine Office of Geographic Information Systems of the existence of these data and their extent and
- B. upon request, provide an electronic copy of all data classified public to the Library and/or Office, in a form compatible with Information Services Policy Board standards.

Non-State Data custodians, or their designees, that acquire, purchase, verify, maintain, or produce Geographic Information with State funds specifically provided for that purpose shall

- C. inform the Board and the Maine Office of Geographic Information Systems of the existence of these data and their geographic extent and
- D. upon request, provide an electronic copy of all data classified public to the Library and/or Office, in a form compatible with Board standards.

4. Set Priorities and Approve Expenditures of Funds. To set priorities and authorize the expenditure of funds, including awarding of grants, or sub grants, to data custodians when available. The Board may seek federal and other funding partners, accept gifts and grants, and expend such funds acquired for purposes consistent with this Act, without further specific authorization of the Legislature.

5. Promote Innovative uses of Geographic Information. To promote innovative uses of geographic information through the provision of verified, coordinated, intergovernmental information via the Maine Public Library of Geographic Information. The Board shall seek advice from the general public, professional associations, academic groups and institutions and individuals with knowledge of and interest in geographic information regarding needed information, and potential innovative uses thereof.

6. Partnerships. The Board may enter partnerships to promote the purposes of this Act.

7. Resolve Disputes. To hear and resolve disputes. Disputes may arise between data custodians, or with respect to information to be placed in the Maine Public Library of Geographic Information, enforcement of Board standards, rules or policies, or other related matters. Complainants may directly present their case to the Board, which has the power to hold investigations, inquiries and hearings concerning matters brought to its attention, and to make decisions with respect thereto. All interested parties will be given reasonable notice of the hearing, and an opportunity to be heard thereat. Hearings shall be open to the public.

8. Conduct Studies. To conduct studies relating to the coordination, development and use of statewide geographic information.

9. Legislative Report. To report annually beginning January 1, 2004 to the joint standing committees of the Legislature having jurisdiction over natural resources, and state and local government matters. This report will review the past year's activities, including, but not limited to, a description of standards adopted, data added to the Library, partnerships established, disputes addressed, studies conducted, and financial activity. This report may also include suggested legislative language intended to address geographic information issues needing legislative action. The Library shall also make this report available to the public.

Title # § 5. Maine Public Library of Geographic Information Board

1. Membership. The Maine Public Library of Geographic Information Board, as established in Title 5, section 12004-G, subsection 30-A, consists of 15 voting members as follows:

- A. Commissioner of the Department of Administrative and Financial Services, or his or her designee;
- B. The Chief Information Officer or his or her designee;
- C. Two members or the designees thereof, who are responsible for overseeing GIS functions of State departments which are major geographic information data custodians, appointed by the Governor;
- D. A representative of each of the following:
 - (1) The University of Maine System, appointed by the Chancellor;
 - (2) Two representatives of a statewide association of municipalities; one representative appointed by the President of the Senate from nominations made by the association's governing body, and one representative appointed by the Speaker of the House from nominations made by the association's governing body;
 - (3) A statewide association of regional councils, appointed by the Speaker of the House from nominations made by the State Planning Office.
 - (4) A statewide association of counties, appointed by the Governor from nominations made by the association's governing body.
 - (5) A statewide association representing real estate and development interests appointed by the President of the Senate.
 - (6) A statewide association representing environmental interests; appointed by the Speaker of the House.
 - (7) One member representing public utilities appointed by the Governor.
- E. Two members of the private sector representing Geographic Information vendors; one member appointed by the President of the Senate, and one member appointed by the Speaker of the House;
- F. One public member, appointed by the President of the Senate;

The terms for the members appointed pursuant to paragraph D are for a period of 3 years, except initially, when terms shall be for 2, 3 and 4 years respectively. The term for members appointed pursuant to paragraphs E and F shall be 3 years.

A member who designates another person to serve on the board as that member's designee shall provide written notice to the Board's staff of the name and title of the designee.

Appointing authorities shall make their appointments and provide written notice of the appointments to the Board's staff no later than September 1, 2002.

2. Board chair. The Board shall annually elect its chair from its membership at the first meeting in each year.

3. Staff. Staff support to the Board shall be provided by the Department of Administrative and Financial Services.

4. Quorum; action. Eight voting members of the board constitute a quorum. The affirmative vote of 7 members is necessary for any action taken by the board. A vacancy in the membership of the board does not impair the right of a quorum to exercise all the powers and perform the duties of the board. The board may use video conferencing and other technologies to conduct its business, but is not exempt from chapter 13, subchapter I.

5. Meetings. The board shall meet at the call of the chair but not less than quarterly. Notice will be provided no less than five working days prior to the meeting. Notice may be in writing, or by facsimile, or electronic transmission.

6. Memorandum of Understanding. Information to be provided by a Non-State data custodian or their designee to the Maine Public Library of Geographic Information shall be governed by a Memorandum of Understanding between the Board, or its designee and the Non-State data custodian or its designee.

7. Data custodian responsibilities. Federal and Non-State data custodians may voluntarily contribute data to the Maine Public Library of Geographic Information, except that data developed with State funds shall be submitted to the Library. Data custodians, or their designees are responsible for:

- A. Ensuring that the public information is accurate, complete, and current, through the creation of adequate procedures therefor;
- B. Updating source data bases following verification of suggested corrections that users submit in accordance with Board standards;
- C. Complying with standards adopted by the Board; and
- D. Providing reasonable safeguards to protect confidentiality to the level required by law.

Title # § 6. Liability

The Board, or any of the parties submitting data to the Maine Public Library of Geographic Information for public use, will not be held liable for any use of that data.

Title # § 7. Copyrights and Fees

The information made available through the Maine Public Library of Geographic Information is owned by the public, and copyright or licensing restrictions may not be fixed to this information by the Board, or data custodians. The Board may set fees for electronic copies of Library data that are no more than three times the actual cost of reproduction. Fee schedules will be set annually and made readily available to requestors.

Resolve 23 Study Recommendation. Draft of Bond L.D. to Establish the Maine Public Library of Geographic Information (SPO 1/24/02)

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to establish an internet-based Public Library of Geographic Information.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Authorization of bonds to provide funds to capitalize the Maine Public Library of Geographic Information. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$6,000,000 to capitalize the Maine Public Library of Geographic Information as authorized by section 6. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. 2. Records of bonds issued to be kept by the Treasurer of State. The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 6 under the direction and supervision of the Department of Administrative and Financial Services.

Resolve 23 Study Recommendation. Draft of Bond L.D. to Establish the Maine Public Library of Geographic Information (SPO 1/24/02)

Sec. 6. Allocations from General Fund bond issue; to make public infrastructure improvements. The proceeds of the sale of the bonds must be expended as designated in the following schedule.

**ADMINISTRATION AND FINANCIAL SERVICES,
DEPARTMENT OF**

Capital investments for the Maine Public	\$6,000,000
Library of Geographic Information including	
grants to municipalities for geographic data	
modernization	

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State have ratified the issuance of the bonds as set forth in this Act.

Sec. 8. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Act, are deauthorized and may not be issued; except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 10. Referendum for ratification; submission at general election; form of question; effective date. This Act must be submitted to the legal voters of the State of Maine at the next general election in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a general election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$6,000,000 bond issue to acquire the technology and services necessary to create an internet-based Library of Geographic Information, to improve citizens' electronic access to statewide public geographic information, make grants to municipalities for data modernization and match federal grant opportunities?"

Resolve 23 Study Recommendation. Draft of Bond L.D. to Establish the
Maine Public Library of Geographic Information (SPO 1/24/02)

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay, and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

SUMMARY

This bill implements a common recommendation of both the Joint Study Committee to Study Growth Management and the legislative study authorized through 2001 Public Resolves Chapter 23 to establish a statewide intergovernmental geographic information system. The funds provided by this bond issue, in the amount of \$6,000,000, will be used to acquire the technology and services required to establish an internet-based Library of Geographic Information, improve citizens' access to public geographic information, make grants to municipalities for voluntary automation of parcel and zoning maps to uniform standards, provide matching funds for grant opportunities available to the State and participate in intergovernmental data development agreements.